

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN**

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In the Matter of:

FLOYD DUSTIN BOWIE  
Debtor(s)

Bankruptcy Case No.: 2017-28664-BEH-13  
Chapter 13

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**NOTICE AND REQUEST TO MODIFY CONFIRMED CHAPTER 13 PLAN**

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Floyd Dustin Bowie has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

**Your Rights May be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to confirm the modified plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court  
517 E. Wisconsin Avenue  
Room 126  
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the expiration of 21 days.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the request and may enter an order confirming the modified plan.

MILLER & MILLER LAW, LLC  
633 West Wisconsin Avenue  
Suite 500  
Milwaukee, Wisconsin 53203  
(414) 277-7742  
(414) 277-1303

## REQUEST TO MODIFY CONFIRMED CHAPTER 13 PLAN

1. The person requesting this plan modification is:  
☒ the Debtor;  
☐ the Chapter 13 Trustee;  
☐ the holder of an unsecured claim, Name:
2. Service: A certificate of service must be filed with this request for plan modification. Designate one of the following:  
  
☒ A copy of this proposed modification has been served on the parties (the debtor, the trustee, the United States trustee and all creditors) as required by Fed. R. Bank. P. 3015(g);  
  
or  
☐ A motion requesting limited service is being filed simultaneously with the Court.
3. I request the following modification of the Chapter 13 Plan last confirmed by the Court:
  1. **Debtor has a pending lawsuit in Milwaukee County that was filed post-petition. The debtor has disclosed the potential value of that claim. Should the debtor collect on the judgment successfully he will provide the unexempt portion of any recovery to the Trustee for the benefit of his creditors.**
  2. **The Debtor has hired outside counsel to handle the lawsuit pending in Milwaukee County. Attorney William Sulton has been retained to represent the debtor. Per the fee agreements uploaded as a supplement to this plan the Debtor has agreed to pay Mr. Sulton \$325.00 per hour for his services plus any expenses that may be incurred such as filing fees, deposition changes, copying costs, postage, parking fees, travel time, mileage and related expenses. The Debtor is to be billed monthly and is responsible for paying the fees upon receipt of the invoice. Since there is no contingency agreement the debtor anticipates that the full recovery, if there is one, will be available for his creditors. To date, Debtor's outside counsel reports that a total of \$7000.00 in fees have been expended on the Milwaukee County suit.**
  3. **Debtor's counsel shall be compensated \$300.00 through the plan for this amendment.**

All remaining terms of the Chapter 13 Plan confirmed on March 6, 2018 are unaffected. In the event of a conflict between the terms of the confirmed Plan and the terms of this modification, the terms of this modification control.

WHEREFORE, the proponent requests that the Court approve this modification to the confirmed Chapter 13 Plan.

## **CERTIFICATION**

Each proponent or the attorney for each proponent must sign this certification. If the proponent is the Debtor, the Debtor's attorney must sign this certification, and the Debtor may, but is not required to sign. If the Debtor does not have an attorney, the Debtor must sign this certification.

**The provisions in this modified Chapter 13 plan are identical to those contained in the official local form other than the changes listed in part 3.**

I certify under penalty of perjury that the foregoing is true and correct.

Respectfully submitted on: May 29 2019 at Milwaukee, Wisconsin

/s/ Krysta L. Kerr

Krysta L. Kerr

Attorney for Proponent

SBN: 1090070

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